IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 888 of 2005
WITH
CIVIL APPLICATION NO. 1047 of 2005

Balaram D. Padwal .. Appellant
versus
Sagar Teer Co-op Housing Society & ors. Respondents

...

Mr.Omprakash Parihar for the appellant.
Mr.V.N. Kantawalai for the respondent nos.1 to 3.

CORAM : B.H. MARLAPALLE,J

DATED : 6th October 2005

P.C.:

1. The impugned order has been passed by the trial Court in a Notice of Motion taken out qua restoration of the Chamber Summons which was filed for seeking amendment in the plaint. Therefore, this appeal is not maintainable.

2. Appeal is dismissed as not maintainable with liberty as is available in law. Civil Application does not survive.

B.H. MARLAPALLE, J